



PUBLIC NOTICE

Federal Communications Commission
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Released: October 17, 2014

DOMESTIC SECTION 214 APPLICATION FILED FOR THE TRANSFER OF CONTROL OF BLUE ROOSTER TELECOM, INC. TO NORCAST COMMUNICATIONS CORPORATION

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 14-172

Comments Due: October 31, 2014
Reply Comments Due: November 7, 2014

On October 2, 2014, Blue Rooster Telecom, Inc. (Blue Rooster) and Norcast Communications Corporation (Norcast) (collectively Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer control of Blue Rooster to Norcast.¹

Blue Rooster and Norcast each provides local exchange, exchange access, and domestic and international interexchange telephone services, broadband Internet access analog and IP-enabled data network services, and VoIP services to customers in California. Applicants state that the following U.S. citizens and entity currently hold 10 percent or greater direct ownership or control interests in Blue Rooster Telecom: Jeffrey C. Buckingham Family Trust (revocable) (50 percent); Russ and Cheryl Lovell Family Trust (revocable) (50 percent). The trustees of the Jeffrey C. Buckingham Family Trust (revocable) are also the sole beneficiaries of, and hold undivided interests in, the entire trust. They each currently are attributed with control or ownership of an equal undivided ownership/voting interest in the Applicant of 50 percent: Jeffrey C. Buckingham (50 percent); Joan Buckingham (50 percent). The trustees of the Russ and Cheryl Lovell Family Trust (revocable) are also the sole beneficiaries of, and hold undivided interests in, the entire trust. They each currently are attributed with control or ownership of an equal undivided ownership/voting interest in the Blue Rooster of 50 percent: Russ Lovell (50 percent); Cheryl Lovell (50 percent).

The following U.S. citizens and entity currently hold 10 percent or greater direct ownership or control interests in Norcast Communications Corporation: Michael Gayaldo (60 percent) (voting stock interest is 71 percent); The Jacqueline Louise Johnston Living Trust (revocable) (24 percent) (voting stock interest is 25 percent). The trustees of The Jacqueline Louise Johnston Living Trust (revocable) are Jacqueline Louise Johnston, who is the sole vested beneficiary of the trust, and Maria Louise Johnston: Jacqueline Louise Johnston controls 24 percent ownership interests (controls 25 percent voting stock

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications.

interest); Maria Louise Johnston controls 24 percent ownership interests (controls 25 percent voting stock interest).

Pursuant to the terms of the proposed transaction, Norcast Communications Corporation will acquire all of the issued and outstanding stock in, and therefore control of, Blue Rooster, in exchange for cash and stock in Norcast. As a result, the following U.S. citizens and entity will hold 10 percent or greater direct ownership or control interests in Norcast: Michael Gayaldo (45 percent) (voting stock interest is 50.05 percent); The Jacqueline Louise Johnston Living Trust (revocable) (18 percent) (voting stock interest is 17 percent); Jeffrey C. Buckingham Family Trust (revocable) (12 percent) (voting stock interest is 14 percent); Russ and Cheryl Lovell Family Trust (revocable) (12 percent) (voting stock interest is 14 percent). Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.²

Domestic Section 214 Application Filed for the Transfer of Control of Blue Rooster
Telecom, Inc. to Norcast Communications Corporation, WC Docket No. 14-172 (filed
Oct. 2, 2014).

GENERAL INFORMATION

The transfer of control identified herein has been found, upon initial review, to be acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 CFR § 63.03(a), interested parties may file comments **on or before October 31, 2014**, and reply comments **on or before November 7, 2014**. Pursuant to section 63.52 of the Commission's rules, 47 C.F.R. § 63.52, commenters must serve a copy of comments on the Applicants no later than the above comment filing date. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.

Pursuant to section 63.03 of the Commission's rules, 47 CFR § 63.03, parties to this proceeding should file any documents in this proceeding using the Commission's Electronic Comment Filing System (ECFS): <http://fjallfoss.fcc.gov/ecfs2/>.

In addition, e-mail one copy of each pleading to each of the following:

- 1) Myrva Freeman, Competition Policy Division, Wireline Competition Bureau,
myrva.freeman@fcc.gov;
- 2) Dennis Johnson, Competition Policy Division, Wireline Competition Bureau,
dennis.johnson@fcc.gov;
- 3) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

² 47 C.F.R. § 63.03(b)(2)(i).

The proceeding in this Notice shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s ex parte rules. Persons making ex parte presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral ex parte presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the ex parte presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during ex parte meetings are deemed to be written ex parte presentations and must be filed consistent with rule 1.1206(b), 47 C.F.R. § 1.1206(b). Participants in this proceeding should familiarize themselves with the Commission’s ex parte rules.

For further information, please contact Myrva Freeman at (202) 418-1506 or Dennis Johnson at (202) 418-0809.

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